

RHODE ISLAND DEPARTMENT OF LABOR & TRAINING

DIVISION OF PROFESSIONAL REGULATION

BOARD OF EXAMINERS OF HOISTING ENGINEERS

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Tuesday, October 14, 2014

10:00am

In attendance:

Brian Iannuccillo

Joseph Graziano

John Shaw

James White

James Woloohojian, Chair

Ellery Wood, Jr.

Also in attendance were David Rodrigues, Chief Hoisting Engineer Investigator; and Valentino Lombardi, Legal Counsel.

1. - Call to Order:

The meeting was called to order at 10:09 am by James Woloohojian.

2. - Conflict of Interest:

Valentino Lombardi, Legal Counsel, addressed the Board reminding

board members that if they have any issues or conflicts with matters before the board and their obligation to disclose such conflicts and to recuse if necessary. Legal counsel is available for questions.

3. – Minutes of July 24, 2014 Meeting:

Ellery Wood Jr. made a motion to accept the minutes to the meeting July 24, 2014 as presented; seconded by Joseph Graziano. There was no opposition. Motion carries.

4. - Violation Appeal Hearings:

David Rodrigues, DLT Chief Hoisting Engineer Investigator; Kevin Labrie; and Antonio Sousa, President of S&S Concrete Forms, Inc. are sworn in for testimony.

S&S Concrete Forms, Inc. – Violation 4943: The violation is read into the record.

Violation: 4943, dated 8/26/82014

Name of Violator: S&S Concrete Forms, Inc.

Location of Violation: R.I. D.O.T. Narragansett Salt Shed Dillion Corner, Point Judith Rd., Narragansett, RI

Violation: On Friday, August 15, 2014, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Kevin P. Labrie, an

employee of S&S Concrete Forms, Inc., 2224 Gar Highway, Swansea, MA 02777, operating a hydraulic crane without a valid RI Hoisting Engineer's License at the above location. According to RIGL 28-26-12 "Investigation and Prosecution of Violation", this is (1) one violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery".

David Rodrigues, DLT Chief Hoisting Engineer Investigator provides testimony. The following are entered into evidence: Two photographs of Kevin Labrie operating hoisting equipment marked Exhibit A & B; and verification of two S&S Concrete Forms, Inc. employees, Paul Sousa and Donald Lamarre, registering for testing for hoisting licensing marked Exhibit C& D.

Antonio Sousa, President of S&S Concrete Forms, Inc. provides testimony.

The Board questions parties as well as Kevin Labrie.

James White made a motion based on testimony heard that Violation 4943 did occur; seconded by Joseph Graziano and passed with no opposition.

Regarding the requested penalty of \$1,150.00, James White made a motion to let the fine of \$1,150.00 stand; seconded by Ellery Wood Jr and passed with no opposition.

The recommendation will be forwarded to the Director's office.

Kevin P. Labrie – Violation 4944: Parties were previously sworn in for testimony. The violation is read into the record.

Violation 4944; dated 8/26/2014 amended 9/11/2014

Name of Violator: Kevin P. Labrie

Location of Violation: R.I. D.O.T. Narragansett Salt Shed Dillion Corner, Point Judith Rd. Narragansett, RI

Violation: On Friday, August 15, 2014, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Kevin P. Labrie, an employee of S&S Concrete Forms, Inc., 2224 Gar Highway, Swansea, MA 02777, operated a hydraulic crane without a valid RI Hoisting Engineer's License at the above job location. This is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery".

David Rodrigues, DLT Chief Hoisting Engineer Investigator, provides testimony.

Kevin Labrie provides testimony.

The Board questions Antonio Sousa and Kevin Labrie.

Ellery Wood Jr made a motion that Violation 4944 did occur; seconded by Joseph Graziano and passed with no opposition.

Regarding the penalty of \$600.00, James White made a motion of uphold the fine of \$600.00; seconded by Ellery Wood Jr. There is discussion. The motion passed with Brian Iannuccillo being the only opposition.

The recommendation will be forwarded to the Director's office.

End of hearing.

5.) Discussion on increasing fines:

James White reported on the subcommittee's recommendation to increase penalties according to RIGL 28-26-11 to mirror amounts of those recently passed for the Mechanical Trades.

Joseph Graziano made a motion to accept the recommendation of the subcommittee to increase the fines; seconded by Ellery Wood Jr. and passed with no opposition.

James White will draft a letter and prepare the proper documentation to be submitted to the Department of the Board's recommendation for

legislative changes to increase penalties for violations.

6. - Adjournment:

Ellery Wood, Jr. made a motion to adjourn. Joseph Graziano seconded the motion. All were in favor. The meeting adjourned at 10:40am.